

ATTACHMENT 73

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CASE NO.: 3:21-cv-03496-VC

Lead Case No.: 3:21-cv-03825-VC

SURGICAL INSTRUMENT SERVICE COMPANY, INC.,

Plaintiff,

-vs-

INTUITIVE SURGICAL, INC.,

Defendant.

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CORRECTED TRANSCRIPT

DEPOSITION OF: JOSE CARLOS GONZALEZ, personal/individual

DATE: Monday, October 17, 2022

TIME: 10:00 a.m. - 12:21 p.m.

PLACE: REMOTE PROCEEDING - FLORIDA

Miami, Florida 33131

STENOGRAPHICALLY

REPORTED BY: VANESSA OBAS, RPR

1 A. Yes. I know for a fact we did. As I mentioned
2 earlier, one of these robots had issues with its arm
3 multiple times. And I remember it being a very
4 expensive service.

5 Q. And had Larkin had those arms serviced by
6 Intuitive before this time we're talking about here?

7 A. They were always serviced by Intuitive.

8 Q. And were those service -- when those services
9 were done by Intuitive, were they covered by the
10 maintenance plan agreement?

11 A. Yes.

12 Q. Was there ever a time when Larkin did not have
13 -- did not have a maintenance agreement with Intuitive
14 that Larkin had the da Vincis serviced by Intuitive?

15 A. Not to my knowledge.

16 Q. I'm only talking about the time when you were
17 there, obviously. I'm not asking you to talk about
18 other times.

19 A. No, no. I meant without my approval, I -- no,
20 I would never have approved that, no.

21 Q. Why not?

22 A. Because these robots are extremely delicate,
23 and as I stated earlier, this is not the first time this
24 arm had broken. So, essentially, a repetitive
25 occurrence with that particular robot.

1 Q. What did you -- what did -- I'm sorry. Were
2 you done?

3 A. Yes.

4 Q. What did you mean when you said that the robots
5 were extremely delicate?

6 A. So when -- from when I took over, I remember
7 the robots having to be moved, placed, and everything
8 with extreme care. Their positioning, their -- they
9 were -- the service gentleman would say, you know,
10 they're high-acting computers in a way, you know. So I
11 wouldn't have it serviced -- because I met the service
12 -- all the services we did on the da Vinci when I came
13 on board were under the service agreement. It made no
14 sense to not have it serviced by da Vinci.

15 Q. By Intuitive?

16 A. Oh, yes. Intuitive. Sorry.

17 Q. Was there ever a time where you looked into
18 having the da Vincis serviced by someone other than
19 Intuitive?

20 A. Not that I recall.

21 Q. Do you know whether anyone at Larkin ever
22 looked into whether there was someone else who they
23 would consider for servicing of the da Vinci robotic
24 systems?

25 A. Servicing, not that I recall.

1 Q. When you're using the word "servicing" in this
2 context, what do you mean?

3 A. Just like the e-mail states. The robots are
4 down. This is not an instrument or an EndoWrist
5 situation. This is actually the da Vinci as a robot, as
6 a full computer, a system and whatnot. The robot itself
7 is down. Not an instrument missing. Not an instrument
8 when lives -- the robot itself is down.

9 Q. As the director of -- of surgery, would you
10 have approved the use of someone other than Intuitive to
11 service the robot?

12 A. No.

13 Q. Can you go to the first page of this document,
14 and it's -- at the very bottom, there's an e-mail from
15 David Lloyd.

16 Do you see that?

17 A. Yes.

18 Q. Did you -- do you know if you ever talked to
19 David Lloyd about the da Vinci robots?

20 A. I may. Based on this e-mail, he's speaking to
21 me. So I believe we may have spoken. I think -- as a
22 matter of fact, yes, Jeff, I believe, put me in touch
23 with him because of the -- that -- you know, to fix the
24 whole thing was, from the back e-mail, a substantially
25 higher amount than what he was offering per the e-mail,

CERTIFICATE OF REPORTER

STATE OF FLORIDA:

COUNTY OF MIAMI-DADE:

I, VANESSA OBAS, RPR, Notary Public, State of Florida, certify that I was authorized to and did stenographically report the deposition of JOSE CARLOS GONZALEZ; that a review of the transcript was requested; and that the foregoing transcript, pages 5 through 70, is a true and accurate record of my stenographic notes.

I further certify that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 31st day of October, 2022.



VANESSA OBAS, RPR